IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 30208 of 2007(U)

PETITIONER:

THE PALAKKAD RURAL CO-OPERATIVE SOCIETY,
REPRESENTED BY ITS PRESIDENT, PALAKKAD.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENTS:

JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), PALAKKAD.

BY ANU SIVARAM FOR R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J

W.P.(C).30208/2007

Dated this the 14th day of November, 2007

JUDGMENT

The petitioner, a Co-operative Society, filed W.P.(C). 18150/2007 challenging action under Section 65 of the KCS Act. It was then conceded on behalf of the respondents that the name of the officer was conspicuously absent in the order directing the proceedings. In such circumstances, the proceedings were quashed leaving the parties with liberty to raise contentions.

2. Thereafter, the impugned Ext.P5 has been issued for an enquiry under Section 65 of the Act. The vice noticed in Ext.P4 judgment stands rectified. But it is the contention of the petitioner that the matter sought to be enquired are not specifically stated and the ultimate attempt is only to make a roving enqury and to somehow on the other cook up a report to pave the way for the ouster of the committee in office, even before the elections, which would normally have to be held in January, 2008.

3. Having heard the learned counsel for the petitioner and the learned Government Pleader, I do not propose to express anything on the basis of the defence extended in the form of a statement. This is a case in which proceedings, under Section 65 of the Act, have been initiated with jurisdiction. However, the sustainability of such an enquiry and any resultant of report could be considered only at a later stage. Therefore, all that is needed to be ensured at this point of time is that the petitioner is extended necessary opportunity during the course of the proceedings under Section 65 and also if the statutory authorities proceeded with any further action on the basis of the report.

4. In the result, while refusing to interfere with Ext.P5, it is directed that the petitioner will be afforded sufficient opportunity during the course of the enquiry under Section 65 following Ext.P5 and would also be given notice before any action is taken on the basis of

any report that may be placed following the enquiry on Ext.P5.

Writ petition is disposed of accordingly.

THOTTATHIL B. RADHAKRISHNAN
Judge

mrcs